

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M-11230-2015 (O&M)

Date of decision : 21.07.2015

Buta Singh @ Jaswinder Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Arun Abrol, Advocate for the petitioner.

Ms. Harsimrat Rai, DAG, Punjab,
assisted by SC Chamkaur Singh.

JITENDRA CHAUHAN, J. (ORAL)

This is the fifth petition under Section 439 Cr.P.C. seeking regular bail in case FIR No.17 dated 27.02.2012, registered under Sections 307, 120-B of the Indian Penal Code, and Sections 25, 27 of the Arms Act, at Police Station Nihalsinghwala, Distt. Moga.

It is contended that the petitioner is not named in the FIR. Keeping in view the nature and seat of injury, no case under Section 307 IPC is made out. The petitioner is in custody since 06.08.2012 and the trial is not progressing as the prosecution moved application under Section 319 Cr.P.C. for summoning co-accused, Gurdeep Singh, Ajaib Singh and Darshan Singh. The same was declined, against which, the

complainant has preferred Criminal Revision No.3216 of 2014, wherein, vide order dated 02.03.2015, the trial Court was directed to adjourn the case after the date fixed by this Court. The respondents in the revision petition are all settled in Canada, they have not been served so far. The case is now listed for publication of notices on 17.12.2015. Thus, it is contended that the trial is not progressing.

On the other hand, the learned State counsel, on instructions, submits that the petitioner is involved in two more FIRs. She further submits that all the witnesses stand examined and the case is at the fag end.

Heard.

Taking into consideration the order passed in CRR-3216 of 2014, this Court feels that the trial is not likely to be concluded in the near future and the petitioner cannot be kept in incarceration indefinitely. As regards the other FIRs, although, he is a convict in FIR No.46 dated 26.05.2011, but it is evident from the perusal of the custody certificate dated 11.05.2015, that the petitioner has secured acquittal in FIR No.25 dated 04.03.2012, whereas, he has already completed the sentence of imprisonment of six months in FIR No.178 dated 26.06.2013. Moreover, FIR No.178 dated 26.06.2013, was registered against the petitioner when he was in custody.

In this view of the matter, without adverting to the merits

of the instant case, this petition is allowed.

The petitioner be admitted to bail during the pendency of the trial, subject to his furnishing bail bonds/surety bonds, to the satisfaction of the trial Court.

21.07.2015
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(JITENDRA CHAUHAN)
JUDGE